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Marcus Spectrum Solutions

Consulting Services in
Radio Technology and Policy

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August 9, 2007

Received & Inspected
AUG 13 2007
FCC Mail Room

Office of General Counsel
   Attention: *Ex parte* complaints
Federal Communications Commission
445 12th Street, S.W.,
Washington, D.C. 20554

Dear Sirs,

On August 8, 2007 Kathleen Q. Abernathy, Esq. of Akin Gump Strauss Hauer & Feld, LLP filed an *ex parte* notification in Docket 04-186, "TV Whitespace", on behalf of Association for Maximum Service Television, Inc ("MST"). The ECFS address of this notification is:
http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519610 238 .

This notification was timely filed, but appears to violate both the letter and intent of the following part of 47 CFR 1.1206(b)(2):

> Memoranda must contain a summary of the substance of the ex parte presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. (Emphasis added.)

This filing is clearly only "a listing of the subjects discussed". Since the presentation was a few days after the release of a key staff report in this proceeding, it is likely that MST's representative discussed this report. Other parties are at a disadvantage if they are unable to comment on MST's viewpoint. Ms. Abernathy and MST frequently appear before the Commission and can reasonably be expected to be aware of these rules. Marcus Spectrum Solutions is a party to this proceeding.

This is not the first time MST has been "creative" in its interpretation of the *ex parte* rules, see http://spectrumtalk.blogspot.com/2006/10/letter-to-fcc-on-ex-parte-compliance.html. We are reporting this to you in accordance with the directions on http://www.fcc.gov/ogc/xprte.html and request that you consider sanctions pursuant to 47 CFR 1.1216 for this repeated misconduct.

Sincerely,

Michael J. Marcus, Sc.D., F-IEEE
Director

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